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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 SADIQ SAIBU,

12 Petitioner,

13 v.

14 BRENDA M. CASH, Warden

15 Respondent.

Civil No. 10-0844-CAB

**ORDER DENYING CERTIFICATE OF  
APPEALABILITY**

16 On August 5, 2011, this Court entered judgment denying the petition for a writ of habeas  
17 corpus filed in this case.

18 Rule 11 of the Federal Rules Governing Section 2254 Cases states, “[t]he district court  
19 must issue or deny a certificate of appealability when it enters a final order adverse to the  
20 applicant.” A certificate of appealability should be issued only where the petition presents “a  
21 substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). To meet  
22 this threshold showing, Petitioner must show that: (1) the issues are debatable among jurists of  
23 reason, (2) that a court could resolve the issues in a different manner, or (3) that the questions  
24 are adequate to deserve encouragement to proceed further. Lambright v. Stewart, 220 F.3d  
25 1022, 1024-25 (9th Cir. 2000) (citing Slack v. McDaniel, 529 U.S. 473 (2000); Barefoot v.  
26 Estelle, 463 U.S. 880 (1983)).

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1 In this case, the Court finds that the issues are not debatable among jurists of reason, nor  
2 could the issues be resolved in a different manner. Further, the Court finds that the questions  
3 are not adequate to deserve encouragement to proceed further. Accordingly, the Court **DENIES**  
4 a certificate of appealability.

5 **IT IS SO ORDERED.**

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7 DATED: August 10, 2011

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10 **CATHY ANN BENCIVENGO**  
11 United States Magistrate Judge  
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